

EX PARTE COMMUNICATIONS FILED

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September 29, 2004

JOHN E. LOGAN PLLC
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Ms. Marlene H. Dortch
Secretary of the
Federal Communications Commission
Washington, D.C. 20554

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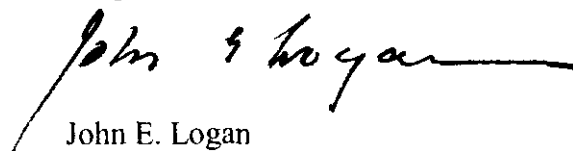
Re: *Ex Parte* Communication
In the Matter of the 4.9 GHz Band
Transferred from Federal Government Use
WT Docket No. 00-32

Dear Ms. Dortch:

This letter summarizes an *ex parte* communication between Bill Gurley of Benchmark Capital and Barry Ohlson, Legal Advisor to Commissioner Adelstein on August 22, 2004 addressing the Commission's consideration of the Petitions for Reconsideration in *In the Matter of the 4.9 GHz Band Transferred from Federal Government Use*, WT Docket No. 00-32. Benchmark Capital has an interest in Tropos Networks. Tropos technology provides public safety agencies, service providers and other users worldwide metro-scale Wi-Fi networks.

In the communication Mr. Gurley stressed the ramifications resulting from the Commission's decision addressing the type of mask allowed in the 4.9 GHz spectrum band. A less restrictive mask will protect the integrity of public safety communications while allowing public safety agencies the benefit of the expanding services and products that pervade Wi-Fi technology. In contrast, a more restrictive mask will severely isolate public safety agencies from competition and its benefits of choice and price, elements that are critical in an era of limited public budgets. Moreover, a more restrictive mask will restrict considerably those who serve this market and undermine the potential of advancing technology, competitive prices and choice this spectrum band holds.

Respectfully submitted,


John E. Logan
Attorney for Tropos Networks

Copy Provided To: Mr. Barry Ohlson, Legal Advisor to Commissioner Adelstein

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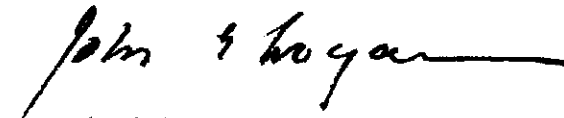
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